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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,955	10/21/2003	George Mileos	0007049	3460

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EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT PAPER NUMBER

3632

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,955

Applicant(s)

MILEOS ET AL.

Examiner

Naschica S Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-87 and 89-102 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-87 and 89-102 is/are rejected.
- 7) ☒ Claim(s) 8 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the second Office Action for serial number 10/689,955, Improved Keyboard Support Mechanism, filed on October 21, 2003. Claims 1-87 and 89-102 are pending.

Drawings

The drawings were received on 10/13/04. These drawings are approved.

Claim Rejections – 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 95-100 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 95 and 98-100 recite the keyboard support/engaging member (i.e. shelf bracket 4) comprising two side pieces spaced apart by a center section and defining aligned slots on opposite sides of the center section; however this language is not supported by the specification or drawings. Specifically, based on the drawings, the shelf bracket (4) does include two side pieces (vertical members attached to pivot rods

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11 and 13) spaced apart by a center section. However, the drawings do not teach "slots" on opposite sides of the center section. As best understood, applicant is referencing the "recesses" which are defined by the read edge of the shelf bracket and the two side pieces.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 85, 101 and 102 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 85, which depends from claim 1, recites the limitation "the second linkage arm" in line 2, "the first linkage arm" in lines 2-3, "the first arm" in line 3 and "said second bracket member" and "said first inclined surface" in lines 4-5. There is insufficient antecedent basis for these limitations in the claim.

Claim 101 is rejected because it is unclear whether the combination of the shelf mechanism and desk is being claimed or merely the subcombination of the shelf mechanism. Claim 101 recites the desk in a functional statement in the preamble of the claim, indicating the subcombination is being claimed, yet the applicant recites a further structural limitation to the desk in claim 101 (lines 5 & 6). For purposes of this Office action, the examiner will assume the **subcombination** is being claimed.

Claim 102 recites the limitation "the fourth pivot point" in lines 10-11. There is insufficient antecedent basis for this limitation in the claim.

Double Patenting

Claims 8 and 31 are objected to under 37 CFR 1.75 as being a substantial duplicates of claims 101 and 102. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections – 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 48, 49, and 92 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,302,015 to Du Vall. With regards to claims 48, 49, and 92, Du Vall discloses an auxiliary shelf mechanism (Figs. 1-2b) including an auxiliary shelf (14) having a top and a bottom surface and a parallelogram linkage (16) to attach the shelf to a support surface (12) so that the shelf may be moved horizontally and vertically relative to the support surface (12); wherein the linkage is attached to the shelf (14) at a substantially centralized, interior point of the auxiliary shelf removed from the side edges (i.e. the links 52, 54 are attached to the shelf along the central longitudinal axis thereof, which is located interior of side edge 30 and the opposite side edge of the shelf) in a manner to prevent the shelf mechanism from extending below the bottom surface of the shelf (see Fig. 2).

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Claims 48, 83, 86, 87, and 94 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,644,875 to Watt. With regards to claims 48, 83, 86, 87, and 94, Watt discloses an auxiliary shelf mechanism including an articulating arm mechanism comprising: a mechanism including a parallelogram linkage comprising an elongated downwardly opening channel-shaped member (30), two linkage arms (76,78) that connect a mounting bracket (18) and shelf bracket/auxiliary shelf (22) having a top/shelfing surface (68), a bottom surface, and two side edges (at 22 and the edge opposite 22), wherein the linkage arms (76, 78) are connected to the shelf bracket (22) at a pivot connection (82, 86) above the shelving surface (see Fig. 4) so that all of the auxiliary shelf mechanism is above the bottom surface of the shelf bracket/auxiliary shelf (22), wherein the linkage arms (76,78) connect to the auxiliary shelf/shelf bracket (22) removed from the two side edges (see Fig. 2) and near (defined by Merriam Webster's Collegiate Dictionary as "close to") the middle (defined by Merriam-Webster's Collegiate Dictionary as "something intermediate between extremes") of the auxiliary shelf/shelf bracket, wherein the auxiliary shelf/shelf bracket (22) may be moved horizontally and vertically relative to a desk (14).

Claim Rejections – 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-7, 9-15, 17-30, 32-37, 39-47, 50-64, 84, 85, 89, 91, and 95-100 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,292,097 to

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Russell in view of U.S. Patent 5,257,767 to McConnell. Regarding claims 1-7, 9-15, 17-30, 32-47, 50-64, 84, 85 (as best understood), 89, 91, and 95-100, Russell discloses an auxiliary shelf mechanism, for vertically positioning a shelf/keyboard support, including an articulating arm mechanism comprising: a first mounting bracket (13) for attachment to a base/work support (10); a parallelogram linkage (Figs. 20-21) having a first end for mounting a shelf (11) and a second end pivotally connected to the mounting bracket (13) for permitting vertical swinging movement of the shelf relative to the mounting bracket between lower and upper positions, the linkage including a first upper link/bar/arm (16), a second lower link/bar/side arm (15), a first end link/shelf bracket (14) adapted to be mounted to the under surface and away from side edges of the shelf (11) to support a keyboard, and first (joint connecting 13 and 16), second (joint connecting 16 and 14), third (joint connecting 15 and 14), and fourth (joint connecting 15 and 13) pivot connections having parallel axes, wherein the first and fourth pivot connections are closer together than the second and third pivot connections; wherein the first upper link (16) has opposite ends pivotally coupled to the first end link/shelf bracket (14) and the mounting bracket (13) by the first and second pivot connections, one end of the second lower link (15) is pivotally coupled to the first end link (14) by the third pivot connection and the opposite end is movably connected to mounting member (13) by a pivot pin (30) received within an arcuate guide slot (29), and the second end of the linkage is pivotally connected to the mounting member (13) solely by the fourth pivot connection, wherein the connection between the second lower link (15) and the mounting bracket (13) is along an elongated connection path; and a stopping means/locking mechanism

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attached to an inside face of the mounting bracket (13) and including a first wedge/engagement surface (36) on the second lower link slidably engageable with a second wedge/inclined engagement surface (35) on the mounting member (13), the first wedge/engagement surface (36) being normally gravitationally biased into engagement with the second wedge/inclined engagement surface (35) and being releasable from engagement by applying an upwardly directed manual force (col. 6, lines 54-65), wherein the stopping means/locking mechanism is adjustable between a first position that is closer to the front end of the mounting member than a second position that is closer to the back end of the mounting member and wherein the stopping means can be fixed at either the first or second position or at any position therebetween. Russell further discloses the lower link/bar/side arm (15) being able to pivot and reciprocatingly move relative to the fourth pivot/crank and slider joint (29,30); the stopping means having a concave stopping surface (35 generally) facing and capable of frictionally engaging the convex rear surface (36 generally) of the lower link/bar/side arm (15); interconnecting projections/teeth (35, 36 in Fig. 17) serving as "fixing means" and a "locking mechanism"; and the stopping means including angled surfaces (Fig. 22).

Russell does not teach the first/upper and second/lower arms not being substantially parallel to each other or the shelf bracket including two spaced side pieces. McConnell discloses a shelf mechanism comprising: a first/upper arm (18) pivotally connected to a mounting bracket (16) and a shelf bracket/keyboard support member (22) by first and second pivot points (71,77), the shelf bracket/keyboard support member (22) comprising a generally planar keyboard support surface (at 111)

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and two parallel side pieces (79) spaced apart by a center section and defining aligned slots on opposite sides of the center section (see Figs. 4 and 6), the side pieces (79) being above the bottom curvilinear surface (at 22 in Fig. 5) of the shelf bracket/keyboard support member and at substantially interior, but spaced points on the shelf bracket/keyboard support member (22); a second/lower arm (20) connected to the shelf bracket by a third pivot point (81) and to the mounting bracket by a fourth pivot point (75); wherein the first and second arms (18,20) are not substantially parallel to each other. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the articulating arm mechanism of Russell by substituting the shelf bracket of McConnell for the shelf bracket (14) of Russell and providing a non-parallelogram linkage because one would have been motivated to provide for effective clockwise movement of the shelf bracket as the linkage is moved to a storage position as taught by McConnell (col. 6, lines 45-50). Russell fails to teach the auxiliary shelf mechanism being capable of horizontally positioning the shelf. McConnell further teaches a means for rotatably attaching the shelf (24) to a base/desk (10) comprising: a horizontal mounting track (14); a slide/swivel mechanism (40,42) associated with the mounting bracket (16) for rotating the arm mechanism (18,20) about a vertical axis; the slide/swivel mechanism positioned within the mounting track and connected to the mounting bracket. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the auxiliary shelf mechanism of Russell by providing a mounting track and slide/swivel mechanism because one would have been motivated to provide a support mechanism which

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provides for improved ease of storage of the keyboard shelf beneath a desk and which may be easily positioned in an orientation for use as taught by McConnell (col. 2, lines 43-47).

Additionally, Russell fails to teach a spring for biasing either the first or second arm. McConnell teaches a coil spring (72) connected to the first pivot rod (71) and the mounting bracket (16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the mechanism by including a spring attached to the first arm because one would have been motivated to provide a means for biasing the linkage in the clockwise direction as taught by McConnell (col. 5, lines 56-59). Russell also fails to teach the first, second, and third pivot connections including rods and the fourth pivot connection including a bolt. McConnell teaches the pivot connections including pivot rods (71,75,77) and a bolt (81). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the pivot connections by including pivot rods and a bolt as a known means for pivotably connecting the members of the arm mechanism and as taught by McConnell. Russell fails to teach two lower/side arms (15). McConnell teaches the first/upper arm (18) pivotally connected at two separate locations (85 - Fig. 6) to the two side arms of lower arm (20) that are integrally connected at end (95). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the linkage of Russell by providing two separate points of attachment between the first/upper and second/lower arms and two stopping means for the side arms in order to

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provide symmetric, stable support as taught by McConnell and as was generally known in the art.

Claims 16 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell in view of McConnell as applied to claims 1-7, 9-15, 17-30, 32-37, 39-47, 50-64, 84, 85, 89, 91, and 95-100 above, and further in view of U.S. Patent 5,031,867 to Cotterill. Regarding claims 16 and 38, Russell in view of McConnell discloses the mechanism as applied above including a crank and slider joint (29,30) and stopping mechanism (35,36) for adjusting the position of the linkage relative to the mounting bracket (13). Russell in view of McConnell does not teach a locking knob for fixing the side/lower arm (15). Cotterill discloses a keyboard support comprising a linkage (22,24,25,31,27) having a crank and slider joint (29,30) consisting of a threaded pivot pin (29) engaged by a locking knob (shown as 29 in Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the mechanism of Russell by providing the threaded pin and locking knob of Cotterill as an alternative means for adjusting the linkage and to facilitate adjustment to a desired angle and tilt with only one hand as taught by Cotterill (col. 2, lines 42-50).

Claims 65-69 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell in view of Watt. Regarding claims 65-69 and 73, Russell discloses the mechanism as applied to claims 1-7, 9-15, 17-30, 32-37, 39-47, 50-64, 84, 85, 89, 91, and 95-100 above but does not teach the shelf bracket (14) being pivotally connected to the front portion of the first/upper arm (16) by at least one pivot positioned above the upper surface of the shelf bracket. Watt discloses the auxiliary shelf mechanism as

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applied to claims 48, 83, 86, 87, and 94 above, and further teaches the first/upper arm (76) pivotally connected to the shelf bracket (22) at a pivot connection (82) above the upper surface of the shelving bracket (see Fig. 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the articulating arm mechanism of Russell by providing a pivot connection between the first/upper arm and shelf bracket located above the upper surface of the shelf bracket since locating the pivot connection above the upper surface of the shelf bracket is a known equivalent, alternative means/location for pivotally supporting the shelf bracket as taught by Watt.

Claims 70-72 and 74-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell in view of Watt as applied to claims 65-69 and 73 above, and further in view of McConnell. Regarding claims 70-72 and 74-82, Russell in view of Watt discloses the shelf mechanism as applied above but Russell does not teach the auxiliary shelf mechanism being capable of horizontally positioning the shelf. McConnell further teaches a means for rotatably attaching the shelf (24) to a base/desk (10) comprising: a mounting track (14); a swivel mechanism (40,42) associated with the mounting bracket (16) for rotating the arm mechanism (18,20); the swivel mechanism positioned in combination with the mounting track to which the mounting bracket is slidably connected. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the auxiliary shelf mechanism of Russell by providing a mounting track and swivel mechanism because one would have been motivated to provide a support mechanism which provides for improved ease of storage

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of the keyboard shelf beneath a desk and which may be easily positioned in an orientation for use as taught by McConnell (col. 2, lines 43-47). Russell does not teach the first/upper and second/lower arms not being parallel to each other. McConnell discloses the shelf mechanism as applied above, wherein the first and second arms (18,20) are not substantially parallel to each other. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the articulating arm mechanism by providing a non-parallelogram linkage because one would have been motivated to provide for effective clockwise movement of the shelf as the linkage is moved to a storage position as taught by McConnell (col. 6, lines 45-50). Additionally, Russell fails to teach a spring for biasing either the first or second arm. McConnell teaches a coil spring (72) connected to the first pivot rod (71) and the mounting bracket (16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the mechanism by including a spring attached to the first arm because one would have been motivated to provide a means for biasing the linkage in the clockwise direction as taught by McConnell (col. 5, lines 56-59).

Claims 90 and 93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watt as applied to claims 48, 83, 86, 87, and 94 above, in view of McConnell. Regarding claims 90 and 93, Watt discloses the auxiliary shelf mechanism as applied above but does not teach a non-parallelogram linkage. McConnell discloses the shelf mechanism as applied above, wherein the first and second arms (18,20) of the linkage are not parallel to each other. It would have been obvious to one of ordinary skill in the

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art at the time the invention was made to have modified the auxiliary shelf mechanism of Watt by providing a non-parallelogram linkage because one would have been motivated to provide for effective clockwise movement of the shelf as the linkage is moved to a storage position beneath a workstation or desk as taught by McConnell (col. 6, lines 45-50).

Allowable Subject Matter

Claims 101 and 102 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

Applicant's arguments filed 10/13/04 have been fully considered but they are not persuasive.

Applicant's arguments regarding the 112/1st paragraph rejection of claims 95 and 98-100 is not persuasive. Specifically, the claims recite a keyboard support member (shelf bracket 4), a workstation engaging member (3) and a linkage. The linkage comprises the side arms (5) that, as stated by applicant, have the aligned slots. Based on all of the claim language, the keyboard support member does not include the side arms (5) and thus does not include aligned slots.

Applicant's arguments with respect to the rejection of claims 48, 49 and 92 in view of Du Vall and the rejection of claims 48, 83, 86, 87 and 94 in view of Watts have been considered but are moot in view of the rejections applied above. Additionally,

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examiner has not misconstrued the Watt reference and respectfully disagrees Watt teaches away from the claimed subject matter. Watt clearly teaches a shelf/shelf bracket (20) having four side edges (as shown in Figure 3) and thus as stated in the rejection above, the linkage of Watt attaches to the shelf/shelf bracket at a location removed from the side edges defined in the rejection above.

In response to applicant's argument that Russell teaches that the support platform is kept horizontal, examiner respectfully disagrees. Applicant specifically relies on Figs. 7, 1 and 2; however figures 9-11, 18 and 21 also demonstrate the support platform in a non-horizontal position. Additionally, Russell does not expressly teach a constant "horizontal" position but does teach a constant "attitude" as found in column 1, lines 21-24. Therefore, it is not believed that the motivation to combine Russell and McConnell is insufficient or that modification of Russell in view of McConnell would render the Russell device unsuitable for its intended purpose (supporting the support platform in a *generally* parallel orientation through a plurality of positions). Regarding applicant's argument that the McConnell device becomes largely unusable in the fully lowered position and is thus disadvantageous, examiner respectfully disagrees since McConnell also teaches independent adjustment and custom positioning of the support platform (col. 4, lines 26-35). In response to applicant's argument that Russell nor McConnell provide any guidance as to what parts to pick of the other to combine, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the

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test is what the combined teachings of the references would have suggested to those of ordinary skill in the art.

In response to applicant's argument that the examiner has not identified any teaching or suggestion to combine Russell and McConnell and that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the examiner has specifically (not generally as suggested by applicant) set forth the motivation as expressly taught by and found in the references themselves (see rejection above).

In response to applicant's comments regarding the locations of the Cotterill and Russell slots as well as the lack of a slot in the McConnell device, examiner does not find that the location of the Cotterill and Russell slots or the lack of a slot in McConnell negates the obviousness to modify the Russell device as suggested in the rejection above. Additionally, in response to applicant's questioning whether the combination of references provides two, three or four elongate members, the rejection does not rely upon Cotterill to teach the number or positioning of elongated members.

Regarding applicant's arguments that the combination of Russell, Watt and McConnell is untenable, examiner respectfully disagrees. The combination relies upon

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the auxiliary shelf mechanism taught by Russell and further improved by the teachings of Watt and McConnell. Thus, the proposed modification does not suggest modifying the device of Watt or McConnell to include the swivel mechanism.

In response to applicant's argument that the disclosures of Watt and McConnell are inconsistent, examiner respectfully disagrees and does not find that the width of McConnell's cross plate 62 negates the obviousness to modify the Watt device as suggested in the rejection above. Additionally, in response to applicant's argument that none of the cited references provides guidance as to what part(s) of Watt should be scrambled with what part(s) of McConnell, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper.

Conclusion

The prior art made of record and not relied upon is considered to be pertinent to applicant's disclosure: WO 93/08426 to Drabczyk et al. and CA 2246073 to Hahn disclose movable auxiliary support mechanisms relevant to the present invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 306-1113.


Naschica S. Morrison
Patent Examiner - Art Unit 3632
12/23/04


LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER